



Rogers & Associates LLC
Attorneys - at - Law

December 4, 2013

VIA FACSIMILE 267-299-5069

The Honorable Paul S. Diamond
United States District Judge
United States District Courthouse
601 Market Street
Philadelphia, Pennsylvania 19106

RE: Marino v. IN2N Entertainment Group, LLC, et al.
Civil Action No. 11-06811

Dear Judge Diamond:

Pursuant to your Honor's November 19, 2013 Order and in anticipation of the January 3, 2014 hearing on sanctions, enclosed please find my email of December 3, 2013, to William Guice. I will keep the Court apprised of Moving Defendants' efforts to secure Mr. Guice's attendance at the January 3, 2013 hearing.

Respectfully submitted,



LANCE ROGERS

LR/mp
Enclosure

cc: Francis A. Malofiy, Esq.
Jonathan D. Davis, Esq.
Mark S. Lee, Esq.
Michael Eidel, Esq.
Mr. Thomas van Dell (*Pro Se*)
Matthew S. Olesh, Esq.
(All Via Email/PDF, *concurrently* with transmission of this letter to the Court)

From: Melissa Prorock <melissa@rogerscounsel.com>
Subject: Fwd: Marino v. IN2N Entertainment Group, LLC, et al.
Date: December 4, 2013 3:40:15 PM EST

1 Attachment, 1.1 MB

From: Lance Rogers <Lance@rogerscounsel.com>
Subject: Marino v. IN2N Entertainment Group, LLC, et al.
Date: December 3, 2013 6:31:18 PM EST
To: GUICELAND <guicemanmusic@gmail.com>
Cc: Mark Lee <mlee@manatt.com>, Jonathan Davis <jdd@jddavispc.com>, "Francis (Francis.Malofiy@beasleyfirm.com) Malofiy" <Francis.Malofiy@beasleyfirm.com>, "Michael L. Eidel" <MEidel@foxrothschild.com>, Matthew Olesh <MOlesh@foxrothschild.com>, Tom van Dell <vandell@hudcan.com>

Dear Mr. Guice:

As you may recall, my firm represents defendant IN2N Entertainment Group, LLC in the lawsuit Dan Marino filed in Philadelphia against you, my client, Dante Barton, Usher Raymond, Sony Music Entertainment and several writers and publishing companies concerning the songs *Club Girl* and *Bad Girl*. There are multiple claims that have been alleged against you by multiple parties. Although the party I represent, IN2N, has not alleged a claim against you, my firm does **not** represent you in this case.

If you have hired a lawyer since your deposition in Denver this past June, I request that you stop reading this email and send it to your lawyer so he can contact me to discuss the matters set out below. If you have not hired a lawyer, I advise you to secure counsel and discuss this email with your attorney.

In October, all of the defendants (except you, Dante Barton and Destro Music Productions, Inc.) filed a **sanctions motion** against Mr. Marino's lawyer, Francis Malofiy. A "motion" requests a court to take a particular action and a "sanction" is a penalty for disobeying a law, rule or regulation. The sanctions motion has nothing to do with penalizing you. I will send you copies of the papers filed with the Court in the mail as the file sizes are too large for e-mail.

Judge Diamond has ordered a live hearing in his courtroom for **Friday, January 3, 2014, at 10:30 a.m.**, in which he will hear testimony regarding "whether [Judge Diamond] will impose sanctions [a penalty] on Mr. Malofiy..." A copy of Judge Diamond's Order is attached for your review.

In his Order, Judge Diamond stated that it "appears that" Mr. Guice's testimony "will be necessary at the January 3rd hearing." Judge Diamond also stated that it "appears that Mr. Malofiy's testimony will be necessary at the January 3rd hearing."

Judge Diamond is permitting my client and the other defendants to "subpoena" you so that you will come to the hearing. Rather than have a process server come to your home to serve (hand) you the "subpoena," I request that you consider voluntarily accepting the "subpoena," which I can email to you. Judge Diamond is permitting my client and the other defendants to pay, if necessary, for your roundtrip transportation from Colorado to Philadelphia and lodging to obtain your appearance. We anticipate that you will need to stay only one night in Philadelphia.

After you have had a chance to read the document I have attached, I would ask that you email me back and let me know whether you are willing to accept service of the "subpoena" and agree to come to Philadelphia for the January 3rd hearing. In order to make any travel and hotel arrangements that may be necessary, we need to hear from you as soon as possible because the hearing falls right after the holidays which is a busy travel time.

Best,

Lance Rogers

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